

REMARKS

This Amendment is being filed in response to the Decision on Appeal mailed on July 24, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In particular, claims 1-20 have been canceled and new claim 21 has been added that more clearly recites features of the present invention. Support for new claim 21 is provided on page 2, lines 6-34.

Further, it is respectfully submitted that U.S. Patent No. 5,712,839 (Aoki) and U.S. Patent No. 5,184,343 (Johann), alone or in combination, do not teach or suggest the present invention as recited in independent claim 1 where, amongst other patentable elements, claim 1 recites (illustrative emphasis provided):

a source configured to provide a first incident radiation having a first level to write a first state on the rewritable media, and provide a second incident radiation having a second level to write a second state on the rewritable media, the first state being a higher reflecting state than the second state;

a detector configured to detect reflected radiation reflected from a spot being in the first reflecting state on the rewritable media; and

a controller configured to:

compare a reflected level of the reflected radiation with a predetermined value;

determined a readjustment factor based on a deviation between the reflected level and the predetermined value;

control the source to adjust the first radiation to a first adjusted level based on the readjustment factor;

overwrite the first state at the spot using a third radiation having the first adjusted level;

control the source to adjust the second radiation to a second adjusted level based on the readjustment factor so that both the first radiation and the second radiation are adjusted by the readjustment factor.

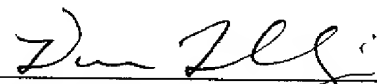
Aoki does not even disclose or suggest adjusting both radiations (for writing both low and high reflecting states) based on the same readjustment factor determined from radiation reflected from a spot in the higher reflecting state, let alone overwriting the higher state at the very same spot where the reflected radiation is used for determining the readjustment factor. Rather, Aoki merely discloses monitor reflection when erase power is used, and not monitor reflections when recording power is used.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested.

Amendment in Reply to Decision on Appeal mailed on July 24, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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